

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MILWAUKEE WORLD TRADING, LLC,

Plaintiff,

Case No. 22-cv-322-pp

v.

MICHAEL KAPSCH, *et al.*,

Defendants.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 16)**

On April 26, 2022, defendants Christopher Dawley and IIGNA filed a motion to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6). Dkt. No. 16. The defendants argue that the complaint should be dismissed for failure to state a claim, dkt. no. 16-1 at 10-18, and for lack of personal jurisdiction, *id.* at 18-27.

Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion it must do so within twenty-one days—that is by May 17, 2022. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that it has another option—it may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the

amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by May 17, 2022 the plaintiff shall file either an amended complaint or a response to defendants Dawley and IIGNA's motion to dismiss.

Dated in Milwaukee, Wisconsin this 27th day of April, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge